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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,996	04/29/2004	Damien Kessler	07095.0040-01	1584
22852	7590	05/01/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
MONTOKA, OSCITA I				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,996

Applicant(s)

KESSLER, DAMIEN

Examiner

OSCHTA MONTOYA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Terminal Disclaimer

2. The terminal disclaimer filed on 01/24/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,741,288 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein, US 6,978,471 in view of applicant's background.

Regarding claim 29, Klopfenstein discloses a method for maintaining a database in memory of a digital television receiver for display of digital television broadcast signals carried by a digital broadcast stream comprising system control data, the method comprising:

receiving the digital broadcast stream (Col. 3, lines 64-67);
extracting the first information from the system control data (Col. 5, lines 63-67, Col. 6, lines 1-2);
storing a first set of data entries from the extracted first information (Col. 5, lines 63-67, Col. 7, lines 1-2);
extracting the second information from the system control data (Col. 6, lines 8-14) if the second information is present in the system control data (Col. 5, lines 25-50); and
storing a second set of data entries only if the extracted second information is consistent with the first set of data entries (Col. 6, lines 8-14).

Although, Klopfenstein discloses the use of ATSC and MPEG on the digital stream (Col. 5, lines 25-50), Klopfenstein fails to specifically disclose that are both contained in the digital stream. However, as admitted by the applicant, finding MPEG and PSIP tables in a broadcast digital stream is a typical situation (Page 2, lines 13-18).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Klopfenstein to include MPEG and PSIP standards in the digital stream, as admitted by the applicant, because it is a typical situation that allows both MPEG and PSIP data to be in a single broadcast stream for proper reception.

Regarding claim 30, Klopfenstein discloses a method for maintaining a database in memory of a digital television receiver for display of digital television broadcast signals carried by a digital broadcast stream comprising system control data, the method comprising:

receiving the digital broadcast stream (Col. 3, lines 64-67);

extracting the first information from the system control data, the extracted information comprising a plurality of types of information having respective minimum quantities of information (plurality of type of information are the different entries of the tables , Col. 4, lines 22-59, Col. 5, lines 63-67, Col. 6, lines 1-2);

storing a first set of data entries from the extracted first information (Col. 5, lines 63-67, Col. 6, lines 1-2), storing comprising:

creating a database entry for a first one of the types of information (PSIP table arrangement, Col. 4, lines 22-25); allocating a first portion of memory corresponding to the respective minimum quantity of information for the first one of the types (different entries on the table, Col. 4, lines 36-38); storing the database entry in the first portion of memory (each specific table is store in the database, Col. 4, lines 22-38); extracting additional first information for the database entry (additional entries are extracted until completing the tables, Col. 4, lines 22-38); allocating a second portion of memory, non-contiguous with the first portion (different tables, Col. 4, lines 22-38); and storing the additional first information in the second portion of memory (all these storing steps are well known and required in order to complete the tables or database, Col. 4, lines 22-59);

extracting the second information from the system control data (Col. 6, lines 8-14) if the second information is present in the system control data (Col. 5, lines 25-50); and storing a second set of data entries only if the extracted second information is consistent with the first set of data entries (Col. 6, lines 8-14).

Although, Klopfenstein discloses the use of a first standard and a second standard on the digital stream (Col. 5, lines 25-50), Klopfenstein fails to specifically disclose that both standards are contained in the digital stream. However, as admitted by the applicant, finding two standards in a broadcast digital stream is a typical situation (Page 2, lines 13-18).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Klopfenstein to include MPEG and PSIP standards in the digital stream, as admitted by the applicant, because it is a typical situation that allows multiple standards to be in a single broadcast stream for proper reception.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OSCHTA MONTOYA whose telephone number is (571)270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OM

**/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623**